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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,659	02/06/2004	Robert L. Horlander	84,679	8784

7590 04/27/2007  
MARK HOMER  
NAVAL UNDERSEA WARFARE CENTER NEWPORT DIVISION  
1176 HOWELL STREET  
BUILDING 112T CODE OOOO  
NEWPORT, RI 02841-1708

EXAMINER
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ELDRED, JOHN W

ART UNIT	PAPER NUMBER
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3641

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/774,659

Applicant(s)

HORLANDER ET AL

Examiner

John W. Eldred

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1, 2 and 5-16 is/are rejected.

- 7) ☒ Claim(s) 3 and 4 is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

This document contains information under  
SECRECY ORDER issued in 23USC 181-188.  
Unauthorized disclosure is subject to Civil  
and Criminal Sanctions.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 15, and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Phillips (4,928,468).

See, for example, Figure 6 in which the outer elements 66, 68, 70 will cover joints between inner panels 60.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cherry (6,415,558) in view of either Salzer (4,854,248) or Bateman (5,822,936).

Cherry discloses a modular room comprising attached panels forming the sides, matching width panels forming the top, and a door. Cherry fails to teach a seam cover overlapping the connection seam between the panels. Both Salzer and Bateman teach that it is well known to form connections between building panels such that there is a seam cover overlapping the

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panels. See especially Figure 7 of Bateman and the Figure of Salzer.

Motivation to combine is the mere substitution of known connection means with the inherent advantage of greater protection at the seams by having overlapping seam cover material present. To employ the teachings of either Bateman or Salzer on the building of Cherry and have a seam cover is considered to have been obvious to one having ordinary skill in the art.

5. Claims 1, 2, and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCalley (6,415,557) in view of either Salzer (4,854,248) or Bateman (5,822,936).


McCalley discloses a modular room comprising attached panels forming the sides, matching width panels forming the top, and a door. McCalley fails to teach a seam cover overlapping the connection seam between the panels. Both Salzer and Bateman teach that it is well known to form connections between building panels such that there is a seam cover overlapping the panels. See especially Figure 7 of Bateman and the Figure of Salzer. Motivation to combine is the mere substitution of known connection means with the inherent advantage of greater protection at the seams by having overlapping seam cover material present. To employ the teachings of either Bateman or Salzer on the building of McCalley and have a seam cover is considered to have been obvious to one having ordinary skill in the art.

6. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John W. Eldred whose telephone number is 571-202-6901. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-0314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John W. Eldred  
Primary Examiner  
Art Unit 3641

JWE